

AMENDED IN ASSEMBLY APRIL 26, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 48

Introduced by Assembly Member John A. Pérez

December 6, 2010

~~An act to amend Sections 44661 and 44662 of the Education Code, relating to school personnel. An act to add Article 13 (commencing with Section 44670) to Chapter 3 of Part 25 of Division 3 of Title 2 of the Education Code, relating to teachers.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 48, as amended, John A. Pérez. ~~School personnel: evaluation and assessment.~~ *Teachers: best practices teacher evaluation.*

Existing law states the intent of the Legislature that school district governing boards establish a uniform system of evaluation and assessment of the performance of all certificated personnel within each school district of the state. Existing law requires the governing board of each school district to establish standards of expected pupil achievement at each grade level in each area of study and to evaluate and assess certificated employee performance on a continuing basis as it reasonably relates to the progress of pupils toward the established standards and, if applicable, the state adopted academic content standards as measured by state adopted criterion referenced assessments, the instructional techniques and strategies used by the employee, the employee's adherence to curricular objectives, and the establishment and maintenance of a suitable learning environment, within the scope of the employee's responsibilities.

This bill would state findings and declarations of the Legislature regarding the nature of effective teachers and of the teaching profession.

This bill would describe a best practices teacher evaluation system as one in which each teacher is evaluated on a continuing basis on the degree to which he or she accomplishes specific objectives and multiple observations of instructional and other professional practices are conducted by trained evaluators. The bill would provide that a school district that implements a best practices teacher evaluation program is not subject to the evaluation and assessment provisions described above, and would authorize the school district to use specified funds for any educational purpose during the fiscal year in which a best practices teacher evaluation program is operative in that school district. The bill would also prohibit a school district that implements a best practices teacher evaluation program from initiating charges against an employee for unsatisfactory performance unless he or she is given the opportunity to participate in a peer assistance and review process, as specified.

~~Existing law states the intent of the Legislature that school governing boards establish a uniform system of evaluation and assessment of the performance of all certificated personnel within each district. Existing law provides that in the development and adoption of guidelines and procedures for evaluation and assessment, that the governing board shall avail itself of the advice of the certificated instructional personnel in the district's organization of certificated personnel, as specified.~~

~~This bill would instead specify that the procedures to be used for evaluation of certificated employees shall be subject to specified provisions of law regarding the scope of representation by the exclusive representative of certificated employees and that the school governing board shall consult with the exclusive representative of certificated employees with respect to all other matters related to the evaluation of certificated employees.~~

~~Existing law requires the governing board of each school district to evaluate and assess certificated employee performance as it reasonably relates to several elements including the progress of pupils toward established standards and the state adopted academic content standards, as specified.~~

~~This bill would also include the progress of pupils towards other specified academic content standards.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Article 13 (commencing with Section 44670) is*
2 *added to Chapter 3 of Part 25 of Division 3 of Title 2 of the*
3 *Education Code, to read:*

4
5 *Article 13. Best Practices Teacher Evaluation*
6

7 44670. (a) *The Legislature finds and declares all of the*
8 *following:*

9 (1) *Teaching is a professional endeavor, in which effective*
10 *practice is driven by an understanding of knowledge in the field*
11 *and a commitment to all pupils and their families.*

12 (2) *Excellent teaching requires knowledge, skills, artistry,*
13 *passion, and commitment.*

14 (3) *Effective teachers integrate ethical concern for children and*
15 *society, extensive subject matter competence, thoughtfully selected*
16 *pedological practices, and a depth of knowledge about their pupils,*
17 *including knowledge of child and adolescent development and*
18 *learning, an understanding of their individual strengths, interests,*
19 *and needs, and knowledge about their families and communities.*

20 (4) *Effective teachers share a common set of professional and*
21 *ethical obligations that includes a profound and fundamental*
22 *commitment to the growth and success of the individual pupils in*
23 *their care as well as to the strengthening and continual*
24 *revitalization of our democratic society.*

25 (b) *The Legislature further finds and declares that the primary*
26 *purpose of an evaluation system is to ensure that teachers meet*
27 *the highest professional standards of effective teaching, thereby*
28 *resulting in high levels of pupil learning.*

29 44671. *A best practices teacher evaluation system has the*
30 *following attributes:*

31 (a) *Each teacher is evaluated on the degree to which he or she*
32 *accomplishes the following objectives:*

33 (1) *Engages and supports all pupils in learning, evidence of*
34 *which may include, but is not limited to, evidence of high*
35 *expectations and active pupil engagement for each pupil.*

36 (2) *Creates and maintains effective environments for pupil*
37 *learning.*

1 (3) *Understands and organizes subject matter for pupil learning,*
2 *evidence of which may include, but is not limited to, extensive*
3 *subject matter, content standards, and curriculum competence.*

4 (4) *Plans instruction and designs learning experiences for all*
5 *pupils, evidence of which may include, but is not limited to, use of*
6 *differentiated instruction and practices based upon pupil progress*
7 *and use of culturally responsive instruction to eliminate the*
8 *achievement gap.*

9 (5) *Uses pupil assessment information to inform instruction and*
10 *to improve learning, evidence of which may include, but is not*
11 *limited to, use of formative assessments to adjust instructional*
12 *practices to meet the needs of individual pupils.*

13 (6) *Develops as a professional educator, evidence of which may*
14 *include, but is not limited to, consistent and positive relationships*
15 *with pupils, parents, staff, and administrators, use of collaborative*
16 *professional practices for improving instructional strategies,*
17 *participation in identified professional growth opportunities, and*
18 *use of meaningful self-assessment to improve as a professional*
19 *educator.*

20 (7) *Assesses pupil academic growth based upon multiple*
21 *measures, which may include, but are not limited to, classroom*
22 *work, local and state academic assessments, and pupil grades,*
23 *classroom participation, presentations and performances, and*
24 *projects and portfolios. Measures used for assessing pupil*
25 *academic growth shall be valid and reliable for the purpose of*
26 *teacher evaluation. Pupil data used for purposes of teacher*
27 *evaluation shall be confidential.*

28 (b) *Multiple observations of instructional and other professional*
29 *practices are conducted by evaluators who have received*
30 *appropriate training and who have demonstrated competence in*
31 *teacher evaluation.*

32 (1) *Multiple observations may include, but are not limited to,*
33 *classroom observations, one-on-one discussions, and review of*
34 *classroom materials and course of study.*

35 (2) *Observations shall be conducted using a uniform tool for*
36 *use in observing the teacher for purposes of conducting an*
37 *evaluation pursuant to this article.*

38 (3) *Prior to each observation, the observer shall meet with the*
39 *teacher to discuss the purpose of the observation.*

1 (4) After each observation, the observer shall meet with the
2 teacher to discuss recommendations, as necessary, with regard to
3 areas of improvement in the performance of the teacher.

4 (c) Teachers are evaluated with the frequency set forth in
5 subdivision (a) of Section 44664.

6 (d) The teacher evaluation system is locally negotiated pursuant
7 to Chapter 10.7 (commencing with Section 3540) of Division 4 of
8 Title 1 of the Government Code.

9 (e) This section shall not be interpreted to prohibit a locally
10 negotiated evaluation process from designating certificated
11 employees to conduct, or participate in, evaluations of other
12 certificated employees. A certificated employee who conducts, or
13 participates in, an evaluation pursuant to this article shall not be
14 deemed to be exercising a management or supervisory function
15 as defined by subdivision (g) or (m) of Section 3540.1 of the
16 Government Code.

17 44672. (a) Results of an evaluation conducted pursuant to this
18 article shall be reduced to writing, and a copy thereof shall be
19 provided to the teacher at a time and in a manner determined
20 pursuant to Chapter 10.7 (commencing with Section 3540) of
21 Division 4 of Title 1 of the Government Code.

22 (b) The teacher shall have the right to initiate a written reaction
23 or response to the evaluation. This response shall become a
24 permanent attachment to his or her personnel file.

25 (c) The teacher shall be entitled to a meeting with the evaluator
26 to discuss the evaluation at a time and in a manner determined
27 pursuant to Chapter 10.7 (commencing with Section 3540) of
28 Division 4 of Title 1 of the Government Code.

29 44673. (a) Notwithstanding any other law, a school district
30 that implements a best practices teacher evaluation system as set
31 forth in this article may use funds received pursuant to the items
32 set forth in paragraph (2) of subdivision (a) of Section 42605 as
33 it read on May 1, 2011, for any educational purpose during any
34 fiscal year in which a best practices teacher evaluation system as
35 set forth in this article is operative in that district.

36 (b) A school district that implements a best practices teacher
37 evaluation system as set forth in this article shall not be subject
38 to the requirements of Article 11 (commencing with Section 44660).

39 44674. A school district that implements a best practices
40 teacher evaluation system as set forth in this article shall not

1 *initiate charges against an employee pursuant to subdivision (b)*
2 *of Section 44938 unless the employee is given the opportunity to*
3 *participate in a peer assistance and review process established*
4 *pursuant to Chapter 10.7 (commencing with Section 3540) of*
5 *Division 4 of Title 1 of the Government Code that is consistent*
6 *with the process set forth in Article 4.5 (commencing with Section*
7 *44500).*

8 ~~SECTION 1. Section 44661 of the Education Code is amended~~
9 ~~to read:~~

10 ~~44661. The procedures to be used for the evaluation of~~
11 ~~certificated employees pursuant to this article shall be subject to~~
12 ~~subdivision (a) of Section 3543.2 of the Government Code. The~~
13 ~~governing board shall consult with the exclusive representative of~~
14 ~~certificated employees with respect to all other matters related to~~
15 ~~the evaluation of certificated employees pursuant to this article.~~

16 ~~SEC. 2. Section 44662 of the Education Code is amended to~~
17 ~~read:~~

18 ~~44662. (a) The governing board of each school district shall~~
19 ~~establish standards of expected pupil achievement at each grade~~
20 ~~level in each area of study.~~

21 ~~(b) The governing board of each school district shall evaluate~~
22 ~~and assess certificated employee performance as it reasonably~~
23 ~~relates to:~~

24 ~~(1) The progress of pupils toward the standards established~~
25 ~~pursuant to subdivision (a) and, if applicable, the state adopted~~
26 ~~academic content standards, including the academic content~~
27 ~~standards adopted pursuant to Section 60605.8, as measured by~~
28 ~~state adopted criterion referenced assessments.~~

29 ~~(2) The instructional techniques and strategies used by the~~
30 ~~employee.~~

31 ~~(3) The employee's adherence to curricular objectives.~~

32 ~~(4) The establishment and maintenance of a suitable learning~~
33 ~~environment, within the scope of the employee's responsibilities.~~

34 ~~(c) The governing board of each school district shall establish~~
35 ~~and define job responsibilities for certificated noninstructional~~
36 ~~personnel, including, but not limited to, supervisory and~~
37 ~~administrative personnel, whose responsibilities cannot be~~
38 ~~evaluated appropriately under the provisions of subdivision (b)~~
39 ~~and shall evaluate and assess the performance of those~~

1 noninstructional certificated employees as it reasonably relates to
2 the fulfillment of those responsibilities.

3 (d) ~~Results of an employee's participation in the Peer Assistance~~
4 ~~and Review Program for Teachers established by Article 4.5~~
5 ~~(commencing with Section 44500) shall be made available as part~~
6 ~~of the evaluation conducted pursuant to this section.~~

7 (e) ~~The evaluation and assessment of certificated employee~~
8 ~~performance pursuant to this section shall not include the use of~~
9 ~~publishers' norms established by standardized tests.~~

10 (f) ~~Nothing in this section shall be construed as in any way~~
11 ~~limiting the authority of school district governing boards to develop~~
12 ~~and adopt additional evaluation and assessment guidelines or~~
13 ~~criteria.~~